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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
|-----------------|-------------|----------------------|---------------------|

09/542,866 04/04/00 HIRASAWA

K Q58719

MM91/0829

EXAMINER

SUGHRUE MION ZINN MACPEAK & SEAS PLLC  
2100 PENNSYLVANIA AVENUE  
WASHINGTON DC 20037-3202

LEE, S

ART UNIT

PAPER NUMBER

2876

**DATE MAILED:** 08/29/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

|                              |                         |                  |
|------------------------------|-------------------------|------------------|
| <b>Office Action Summary</b> | Application No.         | Applicant(s)     |
|                              | 09/542,866              | HIRASAWA, KENJI  |
|                              | Examiner<br>Seung H Lee | Art Unit<br>2876 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on \_\_\_\_.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-24 is/are pending in the application.  
 4a) Of the above claim(s) 1-20 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 21-24 is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claims \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_ is/are objected to by the Examiner.  
 11) The proposed drawing correction filed on \_\_\_\_ is: a) approved b) disapproved.  
 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.  
 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

15) Notice of References Cited (PTO-892)  
 16) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 17) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.  
 18) Interview Summary (PTO-413) Paper No(s). \_\_\_\_.  
 19) Notice of Informal Patent Application (PTO-152)  
 20) Other: \_\_\_\_.

**DETAILED ACTION**

***Prelim. Amdt./Amendment***

1. Receipt is acknowledged of the election filed 12 July 2001.
2. Claims 1 - 20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected labeling product identification label, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 7.

***Priority***

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Drawings***

4. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

***Specification***

5. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

6. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. The Claims 21 - 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi et al (US 4,994,658)

Re claim 21: A shutter opening/closing mechanism with a shutter plate (20) which is movable between a first position where a card transporting path is closed (28) and a second position where the card transporting path is opened, which is a inserting slot of the card, the shutter opening/closing mechanism comprising:

a drive source (12) for moving the shutter plate (20),  
a connecting member(11, 20, 21, and 22) for connecting a drive force of the drive source (12) to the shutter plate (20),

wherein the opening/closing-side end face of the shutter plate is closed substantially parallel to the card transporting path at the closing position, and the opening/closing-side end face of the shutter plate is moved, by the drive source, substantially parallel to the card transporting path (see Fig. 1; col. 5, line 3 - col. 6, line 16).

Re claim 22: The drive source is a solenoid or wire (15), the connecting member includes a slide (20) moved by the solenoid (15) and two turning members (21) coupled together by the slide member (11), the opening/closing-side end face of the shutter plate is moved, by the two turning members, substantially parallel to the card transporting path (see Fig. 1; col. 5, line 3 - col. 6, line 16).

Re claim 23: The two connecting members (11) are coupled so as to follow the slide member in movement (x-axis direction), and a blocking portion (28) for blocking its movement from the turning member side is provided the two connecting members and the slide member (see Fig. 1; col. 5, line 3 - col. 6, line 16).

Re claim 24: The connecting member includes a slide member (20) moved by the drive source, and one turning member (17) coupled to the slide member, and the opening/closing-side end face of the shutter plate is moved, by the one turning member, substantially parallel to the card transporting path (see Fig. 7; col. 8, lines 33 - 49).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure;

Art Unit: 2876

Suzuki et al. [US 4,935,916], Watanabe [US 5,696,269], Tsutsui [US 4,900,908], Kitahara [US 5,821,515], and Sugino et al. [US 5,196,687] disclose a writing/reading mechanism for carrying medium.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Seung H. Lee whose telephone number is (703) 308-5894. The examiner can normally be reached on Monday to Friday from 7:30 AM to 4:00 PM.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (703) 305-3503. The fax-phone number for this group is (703) 308-5841 or (703) 308-7722.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.lee@uspto.gov].

*All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

*shl*  
Seung H. Lee  
Art Unit 2876  
22 August 2001



KARL D. FRECH  
PRIMARY EXAMINER